IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO.20 OF 2005

IN

ARBITRATION APPLICATION NO.410 OF 2005

Jog Engineering Ltd. ... Appellants

v/s

Skanska International Civil Engineering AB and others ... Respondents

Mr S.S. Purohit i/b M/s Wadia Ghandy and Co. for Appellants.

Ms Preeti Shah with Mr Ravi Vaishnawa and Mr Rajesh More for Respondent No.1.

CORAM : D.K. DESHMUKH J.

DATE : 30TH NOVEMBER 2005.

P.C. :-

1. The appellants by this appeal challenge the order passed by the District Court declining to grant interim order staying further proceedings before the Arbitral Court. Though an application was made to that effect, no provision of law under which that application was made was pointed out. The learned counsel appearing for appellants is not in a position to point out from the application that any provision of law is indicated on the basis of which the District Court can stay proceedings pending before the Arbitral Court. It was argued before me that the application can be related to provisions of section 9 of the Arbitration and Conciliation Act 1996. But, neither it is the case of the appellants in the application for interim relief nor was it argued before the District Court that they can apply under section 9 of the said Act. Therefore, the order made by the District Court on that application cannot be faulted. The present appeal is filed under section 37. Section 37 of the said Act provides appeal only against order passed in application filed under sections 9, 34, 60 and 70. As the application for interim relief was not made under any of these provisions, the present appeal is not maintainable.

Appeal is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary as true copy.

. Certified copy expedited.